

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	Case No. 1:09-cr-57
v.	)	
	)	Chief Judge Curtis L. Collier
	)	
ORRY HOLMES	)	
	)	

**ORDER**

On August 17, 2009, United States Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the one-count Indictment (2) accept Defendant's plea of guilty to the charge in Count One, that is possession of a firearm which was not registered to him in the National Registration and Transfer Record in violation of 26 U.S.C. § 5861(d); (3) adjudicate Defendant guilty of the charge in Count One, that is possession of a firearm which was not registered to him in the National Registration and Transfer Record in violation of 26 U.S.C. § 5861(d); (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) Defendant has been released on bond under appropriate conditions of release pending sentencing in this matter without objection (Court File No. 33). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 33) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS**

as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to the charge in Count One, that is possession of a firearm which was not registered to him in the National Registration and Transfer Record in violation of 26 U.S.C. § 5861(d) is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charge in Count One, that is possession of a firearm which was not registered to him in the National Registration and Transfer Record in violation of 26 U.S.C. § 5861(d);
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** on bond under appropriate conditions of release pending sentencing in this matter without objection which is scheduled to take place on **November 19, 2009 at 2:00 p.m.** before the Honorable Curtis L. Collier.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**

